United Nations S/2016/91

Security Council

Distr.: General
5 February 2016
English
Original: French

Letter dated 29 January 2016 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you for information the letter dated 22 January 2016 from Mr. Alain Aimé Nyamitwe, Minister for Foreign Affairs and International Cooperation of Burundi, addressed to you, concerning the handling of the insurgency during the election period (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Albert **Shingiro**
Ambassador
Permanent Representative

16-01621 (E) 160216 160216

Please recycle

Annex to the letter dated 29 January 2016 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

[Original: French]

Briefing note on the handling of the insurgency during the election period

At the outset, I welcome the meeting that I had on Friday, 22 January 2016 with all the members of the Security Council during their visit to Burundi. That meeting gave us an excellent opportunity to discuss the political and security situation in Burundi in a comprehensive manner. I personally appreciated the frankness and openness that characterized our discussions; we intend to maintain that spirit in the future.

As you are aware, the last time that the Security Council visited Burundi was in March 2015, just three months ahead of the 2015 general elections. During that visit, the national authorities had welcomed your advice concerning the pre-election fever prevailing at the time and some of that advice has been followed. Today, the Council is paying us another visit within a different context. The visit comes at a time when the people of Burundi have established democratically elected institutions, from the grassroots to the top. You will recall that during your March 2015 visit, the major issue was that a handful of people did not want the elections to be held, their aim being to create an institutional vacuum followed by a transitional government resulting from political arrangements outside the democratic framework. Those same people, who at the time were saying that they did not have the political space to express themselves with a view to ensuring peaceful elections, have suddenly turned into a radical, violent and armed opposition that uses extreme violence to reap political gains via a short cut.

Today, we can say that we have two types of opposition in our country. We have the participating opposition which, despite losing the 2015 elections, has agreed, out of respect for the voters, to join the institutions that were democratically elected in 2015. That opposition is led by Mr. Agathon Rwasa, currently First Deputy Speaker of the National Assembly, who also has responsibility for five ministries in the current national unity government. Mr. Agathon Rwasa accounts for more than 90 per cent of the political opposition in Burundi. The remaining 10 per cent is shared between the opposition parties that decided to be part of the election process by participating in the 2015 elections and the radical opposition that orchestrates violent attacks against the institutions and peaceful citizens from host countries abroad. This small segment of the opposition is seeking to achieve political gains that it has not been able to achieve at the ballot box, by resorting to extreme violence.

From the pre-election period, the radical opposition and its allies had only one goal: to achieve regime change by unconstitutional means with a view to installing a transitional regime that is not based on democratic principles, hiding behind what it has called a violation of the Arusha Agreement and the Constitution. In order to achieve its goal, that opposition which has no visible electoral base in Burundi employed various political tactics that were adjusted as the situation evolved towards the planned regime change.

The first phase of the planned regime change involved the maintenance of constitutional confusion and the intensification of the campaign of slander against the elected institutions, which lasted several months. The decisions of the Constitutional Court and the East African Court of Justice were not enough to calm down the radical opposition and entice it to abide by the two court decisions.

The second phase involved the organization of demonstrations by groups of manipulated, paid and nourished young people, who started out ostensibly as peaceful protesters, but then quickly started using unparalleled violence in an effort to achieve regime change by Arab-spring-like means.

After several weeks without being able to reach Independence Square in Bujumbura, the protesters and their leaders were forced to change tactics in order to forestall any slowdown owing to wear and exhaustion. This is what led to the rushed coup d'état of 13 May 2015, which was quickly foiled thanks to the vigilance of the loyalist security forces. The coup d'état was the third and final phase and was supposed to lead to a transitional government and to rob the Burundian people of victory.

Following the crushing failure of the 13 May 2015 coup, the radicals and their allies did not disarm. This is what led to the fourth phase, namely the organization of death squads to carry out targeted assassinations of influential people in order to provoke blind reprisals and mass killings, and to turn around and cry genocide in order to attract the attention of the international community, which has not yet fully recovered from the shock of the 1994 Rwandan genocide.

Having failed with this fourth tactic, thanks to the vigilance of the security forces and the restraint shown by the young people of the silent majority in the Burundian heartland who resisted the provocations, the radical opposition moved on to a fifth phase, which centred on the organization of urban-guerrilla armed groups to carry out terror campaigns in certain protest neighbourhoods of the city of Bujumbura, with the ultimate goal of changing the regime that resulted from the 2015 election.

Until very recently, that tactic targeted only civilians and police officers. On 11 December 2015, however, it took another turn in the form of direct attacks on the military camps of Bujumbura Mairie and Bujumbura Rural. As has you have all heard, the group of criminals that carried out the 11 December attack was completely obliterated by the security forces, who acted as one despite their ethnic, regional and gender diversity.

It is abundantly clear that we are facing a group of armed criminals who for several months were passing themselves off as a peaceful opposition that had no space to express itself, in order to attract the sympathy of partners. With this violent turn, two camps have emerged within the political class in Burundi: a majority camp that defends democratic principles, and a minority camp that does its utmost to undermine the decade-long democratic gains that Burundians have achieved. It is this second camp that has tried to achieve regime change using every trick in the book, including endless postponements of elections, insurgencies, coup d'état, death squads, attempted rebellion, demonization of the institutions through the exaggerated use of words such as genocide, mass killings, gang rape and staging of atrocities.

Faced with this bellicose conduct of the radical opposition, the security forces simply fulfilled their constitutional duty, which is derived from the 2000 Arusha Agreement, at a time when the organizers of the insurgency expected them to participate in the protest movement. In the light of the false allegations about the handling of this crisis by the security forces (police and army) and the manipulation of opinion through the media and social networks, we wish to provide some clarification, through the annexed briefing note about the unfolding and handling of the insurgency before and after the election, to be shared with the members of the Security Council. The briefing note focuses on three points:

- Phases of the 2015 insurgency
- Handling of the insurgency by the security forces
- Allegations against the security forces

(*Signed*) Alain Aimé **Nyamitwe**
Ambassador and Minister for Foreign
Affairs and International Cooperation

Ministry of Public Security
Office of the Minister

Briefing note on the handling of the insurgency during the 2015 elections in Burundi

December 2015

Introduction

Since April 2015, some areas (4 out of 13) of the city of Bujumbura have been under an armed insurgency following the political crisis spurred by a difference in interpretation of the Constitution regarding the term of office of the President of the Republic. At the beginning of the crisis, 4 out of 11 urban municipalities heeded the protesters' call, but calm was restored in those municipalities following the election.

As a reminder, the Constitutional Court, the only body with jurisdiction to settle disputes arising from the interpretation of the Constitution, had ruled in favour of the President's term of office before the Independent National Electoral Commission could validate his candidacy. The President subsequently won the 2015 election.

In the light of the false allegations about the handling of this crisis by the security forces (police and army) and the manipulation of opinion through the media and social networks, we wish to provide some clarification as to the unfolding and handling of that event. In principle, the security forces simply fulfilled their constitutional duty — which is derived from the Arusha Agreement — at a time when the organizers of the insurgency expected them to participate in the protest movement.

- The briefing note focuses on three points:
- Phases of the 2015 insurgency
- Handling of the insurgency by the security forces
- Allegations against the security forces

I. Phases of the 2015 insurgency

Since 26 April 2015, the insurgency has been through several phases: violent demonstrations of 26 April 2015; attempted coup d'état of 13 May 2015; gunfire and grenade explosions in certain areas of the capital; 18 July attack orchestrated from abroad; mass distribution of weapons to the population; grenade attacks against the security forces; targeted assassinations of senior officials and other national political figures; destabilization of the security forces (incitement to mutiny and killings within the ranks); attacks on military camps; abductions; etc.

All these phases were driven and sustained by rumour campaigns to terrorize the population, spread misinformation and manipulate both national and international opinion; and by slander and demonization of the security forces aimed at undermining their morale and sowing division among their members. They were initially organized for the purpose of disrupting the election process and they

continue today with the aim of provoking killings that would give grounds for foreign intervention.

The fake macabre images circulating in the media and on social networks amply demonstrate this.

1. Violent demonstrations

Initially, the insurgency masqueraded as protests against the President's term of office, but they quickly became insurgent demonstrations punctuated by armed attacks, destruction of roads, spreading of rumours, aggression of all kinds, demonization of the security forces, assassination (including by shooting) of individuals presumed to support the term, disruption of private and public activities, distribution of firearms, drugging of young people through their food and drink, etc. The intention, as the protesters stated repeatedly in the media, was to disrupt national life and force the institutions to leave the political arena, as happened during the Arab spring and in Burkina Faso.

The majority of the population did not respond to the call made by the organizers of the insurgency: of the country's 129 municipalities, only a few neighbourhoods in urban municipalities responded favourably. Contrary to what the insurgents expected, the security forces restored peace and security, in accordance with the law, ensuring that the violence was confined to just four urban neighbourhoods. Unfortunately, the perpetrators of the coup received reinforcements on 13 May 2015.

2. Attempted coup d'état

Having seen that the violence perpetrated in the four urban neighbourhoods was insufficient to drive out the institutions, some soldiers and police officers favourable to the insurgency provided support to the insurgents and left their camps in armoured vehicles to drive out the loyalists who were controlling the protest neighbourhoods.

They announced the overthrow of the institutions when the President was attending a meeting in Dar es Salaam, United Republic of Tanzania, on 13 May 2015. The loyalist forces quickly brought the situation under control and arrested some of the ringleaders, while others fled the country. Other mutinous soldiers who were not arrested disappeared into the protest neighbourhoods with their weapons.

3. Terrorism in the protest neighbourhoods

With the aim of pursuing the coup d'état, the mutinous soldiers joined forces with the insurgents hiding in the protest neighbourhoods and carried out terrorist activity to destabilize the capital with nightlong gunfire and grenade explosions. They did that to demonstrate to the population that the coup had not failed.

They also carried out grenade attacks on public property, on the population, in bus stations, on public transport vehicles and in restaurants. The loyalist security forces brought the situation under control and most of the insurgents and mutineers were arrested and prosecuted.

4. Attack on Kabarore and Bukinanyana

Kabarore and Bukinanyana are two municipalities on the border with Rwanda that were attacked by Burundian rebels on 10 July 2015. The rebels were defeated within a few days and several of them were captured and prosecuted. They included several children who were captured and handed over to the United Nations Children's Fund. The captured rebels stated that they had been recruited in refugee camps in Rwanda and trained in that country.

5. Mass distribution of weapons in Burundi

Having seen that the insurgency remained confined to a few protest neighbourhoods in the capital, that the vast majority of the population in no way supported the insurgency, and that the coup and the attack of 10 July 2015 had failed, the organizers of the insurgency attempted to distribute weapons and grenades to some of the country's rural municipalities, such as Giteranyi, Gisuru, Busoni, Matana, Ryansoro, Mukike, Mugongo Manga, Burambi and Kibago. However, the population promptly informed the security forces, which recovered the weapons and captured the infiltrators who were preparing to use them.

6. Weakening of the security forces and targeted assassinations

With the intention of provoking killings within the ranks of the security forces and possibly inter-ethnic killings, the insurgents planned and organized targeted assassinations of high-ranking officers and other important figures. They thus assassinated Lieutenant General Adolphe Nshimirimana, former head of the intelligence services, and Retired Colonel Jean Bikomagu, former chief of general staff of the former Burundian armed forces.

They also attempted to assassinate the current chief of general staff of the National Defence Force, a general of the national police of Burundi, a people's representative and the President of the Association pour la protection des droits humains et des personnes détenues (Association for the Protection of Human Rights and Detained Persons). These targeted assassinations were aimed at stirring up hatred and anger within the security forces so as to provoke reprisals and killings within the military and the police or among the population.

Fortunately, no such horrific situation occurred because the Burundian population and the security forces were not receptive to the indoctrination and organized manipulation by politicians. Under the Constitution and the Arusha Agreement, the process of training and integration known as *brassage* of the defence and security forces on the basis of ethnic quotas was aimed at preventing coups and genocides. Anyone attempting to destabilize and weaken these forces is not seeking to have the Head of State replaced, but rather to provoke chaos in the country.

7. Attack on military camps

In order to gather weapons and coerce other soldiers into supporting them, the insurgent soldiers carried out simultaneous attacks on 11 December 2015 on four military camps, three of which were in Bujumbura and one in Mujejuru. On launching the attack, they announced on social media that they had captured the military camps and collected a large quantity of weapons. After the rout of their

men, most of whom were young, under the influence and in possession of drugs, they changed their message and began to accuse the security forces of committing genocide, whereas in fact the victims of the attacks were assailants killed in combat or following a pursuit.

8. Abductions

Some groups of insurgents carried out abductions, releasing some of their victims after a ransom was paid, while killing others and burying them or displaying their corpses in the streets in order to terrorize those who did not support them and also to provoke the condemnation of the defence and security forces and the Government. Among those abducted were more than 10 members of the defence and security forces (six soldiers and four police officers).

II. Handling of the insurgency by the security forces

1. Framework for intervention by the security forces

Throughout these different phases of the insurgency, the security forces fulfilled their constitutional duty to defend the territory, maintain and restore law and order and public safety, protect people, property and institutions, and enforce the law.

In addition, the constant concern of senior officers was to strengthen cohesion and discipline among the members of the security forces, because the organizers of the insurgency were counting heavily on disunity and subversion among the security forces. They used both manipulation to rally support for the cause of the insurgency and demonization to divide the men in uniform and provoke killings or desertions.

During the insurgency period, the security forces also had the task of providing security throughout the election process, which was officially being contested.

2. Challenges faced

The challenge in handling the crisis was that public opinion was being manipulated through misinformation on social media and the indoctrination, drugging and arming of young people, not to mention the insurgents' systematic use of weapons and grenades against the security forces. The young insurgents ate together and their meals contained a dose of narcotics to incite them to launch armed attacks on the security forces without heed for the risks involved. Fortunately, the security forces showed extraordinary self-control and restraint; otherwise, there would have been huge loss of life.

Nonetheless, during the insurgent attacks and the operations to restore security and law and order, defend the territory, disarm the insurgents and protect the population, the insurgents, drugged and emboldened by messages circulating on social media, attacked the security forces with weapons, grenades, mortars and rocket launchers, like suicide attackers or terrorists under the influence of drugs.

Most of those operations took place in insurgent neighbourhoods. The security forces were obliged to use force while applying the principles of self-defence and protection of the population. Unfortunately, there was loss of life on both sides —

insurgents and security forces — and in some cases there were collateral civilian casualties.

Other insurgents and their accomplices were arrested and prosecuted. An additional challenge was the manipulation of members of the security forces, some of whom took part in the attempted coup and the assassination of their superiors.

3. Outcome of the crisis

Apart from the destruction, arson, looting and robberies committed by the insurgents and the attendant economic and social repercussions, the insurgency has already caused deaths and injuries (insurgents, security forces and collateral victims), with 50 police officers killed and 357 injured, including 11 who had their legs or arms amputated.

The insurgents and mutineers have also caused enormous material damage to the police, because they have committed looting, theft and destruction, including on the day of the attempted coup d'état, estimated at more than 13 billion Burundi francs. The exact numbers of human lives lost among the insurgents and innocent civilians is not known, because some organizations make those numbers their stock-in-trade or use them for blackmail.

4. Current situation at the start of the year

After implementing several plans to destabilize the country, after noting that the majority of Burundians wanted nothing to do with that destabilization, and after failing to destabilize the security forces, the insurgents started spreading rumours to destabilize and terrorize the population, making accusations against the security forces and manipulating international opinion to provoke foreign intervention.

However, the situation has long returned to normal, both in the insurgent neighbourhoods in Bujumbura and in the rest of the country. Events have been confined to those neighbourhoods and the people in those neighbourhoods have been calling regularly for police assistance to recover weapons and have been providing information on those who use them. In those neighbourhoods and elsewhere in the country, the people are going about their normal business, are collaborating with the police and are dissociating themselves from the perpetrators and organizers of the insurgency.

However, there are still some insurgents — mostly drug addicts — in the insurgent neighbourhoods who attack weak positions of the police or the army, hiding behind members of the community, who they use as human shields.

Others have turned into armed gangs, stealing money and kidnapping people, including members of the security forces (two police officers and five soldiers have already been kidnapped) for ransom. If the kidnappers do not receive these ransoms, they kill their victims and throw their corpses in the bush or leave them lying in the streets.

III. Allegations against the security forces

False allegations and slanderous accusations are regularly fomented and disseminated through the media and on social networks, creating the impression that

the security forces are committing serious human rights violations and murdering insurgents. In reality, the security forces are victims of their loyalty to the institutions and of their cohesion in that they have been at the origin of the failure of all the plans of the insurgency.

Indeed, the security forces have remained united and loyal and did not respond to the call for mutiny; they did not turn a blind eye to acts of destabilization; they did not tolerate the arming of the population and the militias; they fulfilled their duty as peace officers. This is why they have become the enemies to be taken down and the targets of all sorts of slander and demonization designed to sully and intimidate them.

The serious allegations, conveyed in writing or through images (there were images of other crises that were attributed to Burundi) via social networks and the media, include the following:

1. Collaboration with Interahamwe and Imbonerakure

The sole purpose of this allegation was to sow division among the police officers and the soldiers, since the insurgents and their accomplices were accusing a group of men in uniform from the former armed political parties and movements of being Imbonerakure. By citing the Interahamwe, the perpetrators of the Rwandan genocide of 1994, they wanted to incite a certain foreign power to support the insurgency, and to manipulate the public into believing in a possible genocide, in order to provide grounds for foreign intervention.

2. Serious violence and shooting of protesters without warning

All members of the security forces have learned to use force legally and used all means gradually — including firing warning shots using blank shells — in order to deter the demonstrators from shooting at or launching grenades against the security forces.

Where necessary, the legal principles of self-defence were also respected; indeed, the security forces showed legendary restraint, because on several occasions they had to flee and retreat rather than respond directly to the gunshots or grenades fired at them, in order to prevent a bloodbath.

Nonetheless, there were unfortunately isolated cases of shots being fired at the insurgents without an order, resulting in some deaths and injuries, but the perpetrators were apprehended immediately and prosecuted. Thus, of the police officers accused of murder, assassination and attempted assassination, 13 were imprisoned and 6 others deserted in order to avoid prosecution.

3. Torture of arrested individuals

National and international human rights organizations based in Bujumbura, which visited various detention centres and other places that had been reported as being illegal detention centres, found this allegation to be false. Apart from violations committed during arrests, no violation was committed on detainees during their detention.

It should be noted that the number of people apprehended during the insurgency period exceeded the capacity of detention centres and that conditions of

detention were more precarious than normal. In addition, at some point, the detainees were not fed or cared for, because their families had been confined to their neighbourhoods by the insurgents, and law enforcement agencies do not have the budget to feed and care for detainees.

IV. Conclusion

Since the organizers of the insurgency intended to overthrow the institutions, with the active participation of the security forces (as a group or separately), and since the security forces did not respond favourably to their call, they tried repeatedly to pit the police against the army in order to provoke mutinies and mass killings within both forces. This is why they have become enemies that must be taken down, both physically and morally, and why they and their superiors are being so vehemently demonized.

The security forces are therefore victims not only of their loyalty, cohesion and integration, but also of their duty and their integrity, because in reality they not only performed their duty but also came to the assistance of a people in danger. Unfortunately, when the police intervened to stop the violence, murder and other crimes committed by the insurgents, or to disarm the gangs of insurgents, the organizers of the insurgency claimed that their rights and freedoms had been violated, as if their crimes were legalized and supported by the international community.

Nonetheless, whatever the motive of the insurgency, it would have been inconceivable and unacceptable for the security forces not to help people in distress, to assist in the destruction and looting, to participate in the destabilization of the institutions, to allow the armed militias to develop, or to retreat in the face of the hordes of insurgents who might have plunged the country into a bloodbath.

Regarding possible human rights violations by some members of the security forces who were allegedly not punished, the victims may take their cases to court. The same will apply in the case of crimes being committed by the insurgents. It should be noted that the commanders of the defence and security forces never tolerate crimes committed in violation of the law.

It is regrettable that the control, arming and drugging of young people, and the manipulation of opinion through false rumours have become tools for mobilizing young people whose future may be compromised if national and international actors do not condemn and denounce such practices in time.

It is worth reiterating that the security situation remains very good across the country and that the people are going about their normal business, except in neighbourhoods that are just emerging from the insurgency, where the people still dread the savagery of the armed groups.

The security forces remain vigilant and are ready to deal with any form of crime, including the crime of provoking mass killings, which some consider genocide. They are also pursuing their mission to disarm the population, including groups of insurgents. People who are calling for foreign intervention, on the pretext that there is genocide in Burundi, are opposed to this disarming exercise and are seeking protection for these armed gangs.